

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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December 7, 2004

**FROM: MICHAEL E. HAYS, DIRECTOR
LAND USE SERVICES DEPARTMENT/CURRENT PLANNING DIVISION**

**SUBJECT: SCHEDULE PUBLIC HEARING TO CONSIDER A GENERAL PLAN
AMENDMENT AND A CONDITIONAL USE PERMIT; APPLICANT: JEFFREY &
MARTHA HIMMELRICK; APN: 0467-142-15; COMMUNITY: HELENDALE**

RECOMMENDATION:

1. **SCHEDULE** a public hearing on TUESDAY, DECEMBER 21, 2004, at 10:00 AM to consider a **DECLARATION OF AN INTENT** to:
 - a) **ADOPT** a Negative Declaration;
 - b) **APPROVE** a General Plan Amendment from Rural Living (RL) to Rural Commercial (CR) on 2.55-acres; Applicant: Jeffrey & Martha Himmelrick; APN: 0467-142-15; Community: Helendale;
 - c) **APPROVE** a Conditional Use Permit to establish a 2,032 sq. ft. restaurant, subject to the Conditions of Approval;
 - d) **ADOPT** the Findings as recommended by the Planning Commission;
 - e) **FILE** a Notice of Determination; and
 - f) **CONTINUE** for final adoption with the Third Cycle General Plan Amendments.
2. **DIRECT** the Clerk of the Board to publish the Notice of Hearing, pursuant to Government Code Sections 65090 and 65091, one time in a publication of general circulation at least 10 days prior to hearing date.

BACKGROUND INFORMATION: On October 21, 2004, the Planning Commission in a unanimous decision recommended approval of the proposed General Plan Amendment and the concurrently filed Conditional Use Permit. The project description is as follows:

APN: 0467-142-15

APPLICANT: HIMMELRICK, JEFFREY & MARTHA

PROPOSAL: A) GENERAL PLAN AMENDMENT FROM RURAL LIVING (RL) TO RURAL COMMERCIAL (CR);
B) CONDITIONAL USE PERMIT TO ESTABLISH A 2,032 SF RESTAURANT ON 2.55 AC

COMMUNITY: HELENDALE/1ST SUPERVISORIAL DISTRICT

LOCATION: EAST SIDE OF NATIONAL TRAILS HWY., APPROXIMATELY 750' SOUTH OF RINALDI RD.

JCS/INDEX: 12324CF1/DN149-250N/2004/GPA01/CUP01

STAFF: Tracy Creason

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HIMMELRICK, JEFFREY & MARTHA

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In accordance with Government Code Sections 65090 and 65091, and County Development Code Section 83.010330, public notice of this hearing is to be given once at least 10 days prior to the hearing in at least one newspaper of general circulation in the respective community of the proposal. For this item, staff has determined this notice shall be published in the following newspapers: The Sun Newspaper and The Daily Press.

REVIEW AND APPROVAL BY OTHERS: This item has been reviewed and approved by Deputy County Counsel Robin Cochran on November 22, 2004, 387-8957; and by the County Administrative Office, Patricia M. Cole, Administrative Analyst III on November 23, 2004, 387-5346. This item was heard by the Planning Commission on October 21, 2004.

FINANCIAL IMPACT: The costs associated with publishing the notice of hearing are minimal and have been included in the Department's FY 2004/05 budget (AAA-CUR).

SUPERVISORIAL DISTRICT: 1st

PRESENTER: Michael E. Hays, Director, Land Use Services Department - 387-4141

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